



DDW

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:
Date: September 1, 2006 Name: M. Collins Signature: *M. Collins*

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appn. of: MICHAEL J. BORRELLI

Appn. No.: 10/764,316

Filed: January 23, 2004

For: METHODS AND COMPOSITIONS FOR HEAT ACTIVATED GENE THERAPY USING CYTOLETHAL DISTENDING TOXIN

Attorney Docket No: 10546-109

Examiner: Kimberly Chong
Art Unit: 1635

MS Amendments
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Sir:

Attached is/are:

Response to Notice of Non-Compliant Amendment
 Return Receipt Postcard

Fee calculation:

No additional fee is required.
 Small Entity.
 An extension fee in an amount of \$ _____ for a month extension of time under 37 C.F.R. § 1.136(a).
 A petition or processing fee in an amount of \$ _____ under 37 C.F.R. § 1.17(____).
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

Fee payment:

A check in the amount of \$ _____ is enclosed.
 Please charge Deposit Account No. 23-1925 in the amount of \$ _____ A copy of this Transmittal is enclosed for this purpose.
 Payment by credit card in the amount of \$ _____ (Form PTO-2038 is attached).
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Steven L. Oberholtzer
Steven L. Oberholtzer (Reg. No. 30,670)

September 1, 2006
Date



I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on September 1, 2006

Date of Deposit

Steven L. Oberholtzer
Registration No. 30,670

Name of
Registered Representative



Signature



Date of Signature

Our Case No. 10546/109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MICHAEL J. BORRELLI)
Serial No. 10/764,316) Examiner: Kimberly Chong
Filing Date: January 23, 2004) Group Art Unit No.: 1635
For METHODS AND COMPOSITIONS)
FOR HEAT ACTIVATED GENE)
THERAPY USING CYTOLETHAL)
DISTENDING TOXIN)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

I.	Amendments to the Claims	Page 2
II.	Remarks	Page 8